

The Honorable Ricardo S. Martinez

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE**

DONALD E. MORISKY,

Plaintiff,

v.

MMAS RESEARCH, LLC, et al.,

Defendants.

Case No. 2:21-cv-01301 RSM-DWC

**JOINT STATUS REPORT BY  
PLAINTIFF**

This Report is submitted in response to the Court’s July 16, 2025, Order (Dkt. 279). Unfortunately, it is only being submitted by Plaintiff, as Defense counsel have outright refused to meet and confer regarding it. *See*, Declaration of Plaintiff’s counsel, F. Christopher Austin, filed herewith.

On July 17, 2025, Plaintiff’s counsel emailed a blank draft of the report to Defense counsel and requested “your input regarding trial readiness, trial duration, and your information regarding scheduling conflicts on or before July 22, so that we can resolve any potential disputes and finalize a joint statement for filing.” Austin Decl., at ¶ 3; *see* Plaintiff’s Email Correspondence with Defense Counsel, dated July 17—24, 2025, hereto as Exhibit 1.

As noted in the email correspondence of Plaintiff’s counsel (Exh. 1), rather than simply provide the responses requested by the court, or confer with Plaintiff’s counsel as requested, Defense counsel sent Plaintiff’s counsel their non-compliant version of the report, which does not

1 include any information regarding scheduling conflicts, and which had responses that conflicted with  
 2 Plaintiff's anticipated duration and trial start dates. Austin Decl., at ¶ 4-6. A copy of Defendants'  
 3 report is attached hereto as Exhibit 2.<sup>1</sup>

4 Given the variance in the parties' responses, Plaintiff's counsel emailed Defense counsel  
 5 again on July 23, 2025, requesting times to call to resolve such differences. *See*, Exh. 1; Austin Decl.,  
 6 at ¶ 7. Rather than respond with times to confer, Defense counsel, Patricia Ray, sent a separate email  
 7 in response stating that Defendants intended to file two separate reports together—one for each  
 8 party—in express violation of the Court's July 16, 2025, order. Austin Decl. at ¶ 8.

9 To comply with the Court's order that the parties confer to file a joint statement, and that "[n]o  
 10 separate reports shall be filed," on July 24, 2025, Plaintiff's counsel called each of the three Defense  
 11 counsel of record in this case. Austin Decl., at ¶ 9. None answered, so Plaintiff's counsel left each a  
 12 detailed message requesting a return call to resolve the differences so that a joint statement could be  
 13 filed. Austin Decl. at ¶ 9. Ms. Ray responded later that afternoon with another email (which is  
 14 included in Exhibit 1), confirming receipt of Plaintiff's counsel's voice message, but again refused to  
 15 call or to confer, and inexplicably stated a full day before the deadline that "the time has run out for  
 16 merging into a joint plan and filing separately is the only option." Exh. 1; Austin Decl., at ¶ 10.

17 Because Defense counsel refused to confer with Plaintiff's counsel to submit a joint statement  
 18 as ordered, Plaintiff has extracted from Defendant's report and Ms. Ray's emails Defendants' trial  
 19 readiness date, trial duration and conflict responses and include them in this Report as follows. Austin  
 20 Decl., at ¶ 11-12.

21 1. The date the case will be ready for trial (proposed first day of trial).

22 Plaintiff's Response: 10/21/2025.

23 Defendants' Response: 10/27/2025.<sup>2</sup>

24 2. The anticipated length of trial.

25 <sup>1</sup> Defendants' report (Exh. 2) is also not compliant with the court's order as it fails to identify  
 26 dates on which trial counsel may have complications to be considered in setting a trial date  
 27 and includes pre-trial scheduling proposals.

28 <sup>2</sup> Defendants identified this date as their proposed trial date but stated they are prepared to go  
 to trial immediately. Exh. 2.

Plaintiff's Response: 4 days, as this is a jury trial.

Defendants' Response: 3 days.

3. Dates on which trial counsel may have complications to be considered in setting a trial date (information provided through January 30, 2026):

Defendants Response: No conflicting dates.

Plaintiff's Response is set forth in the chart below.

| Date(s)             | Plaintiff's Counsel Conflict  |
|---------------------|---|
| 8/18/25 – 8/29/25   | Depositions (4) in connection with close of discovery   |
| 9/16/25 – 9/19/25   | Patent Markman Hearing and Tutorial (and related expert witness prep)   |
| 9/24/25 – 9/28/25   | Pre-planned vacation  |
| 10/30/25 – 11/3/25  | Nevada State Holiday, pre-scheduled family vacation   |
| 11/23/25 – 11/30/25 | Out of state in connection with Thanksgiving Holiday  |
| 12/1/25 – 12/3/25   | Reserved for hearings, motion, and other work backlog consistently scheduled to just after the Thanksgiving Holiday             |
| 12/23/25 – 1/5/26   | Out of state in connection with Christmas and New Years Holidays  |
| 1/6/26 – 1/8/26     | Reserved for hearings, motion, and other work backlog consistently scheduled to just after the Christmas and New Years Holidays |
|                     |   |

Respectfully submitted.

DATED: July 25, 2025

/s/ F. Christopher Austin

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*Attorneys for Plaintiff*

**CERTIFICATE OF SERVICE**

I hereby certify that on July 25, 2025, I caused a true and correct copy of the foregoing to be filed via the cm/ecf system, which will serve a notice of electronic filing to all counsel of record.

/s/ F. Christopher Austin

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